

REMARKS

Applicants respectfully request entry of amendments to claims 1 and 35. Please cancel claims 30, 31, and 34, and withdraw claims 2-25, 36, and 37, without prejudice or disclaimer. Support for the amendments can be found throughout the specification, including the originally filed claims and, therefore, do not add new matter.

Applicants submit that pending claims 1, 26-29, 32, 33, 35, and 38-47 are in condition for allowance, and respectfully request that the claims as amended be entered.

Claim Objections

Applicants have provided an amended claim 1, such that the antecedent basis of the GBP elements are clear.

For these reasons, Applicants respectfully request that the objection be withdrawn.

Rejection Under 35 U.S.C. §112, First Paragraph

Claims 1, 26-29, 32, 33, 35, and 38-47 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking written description support.

Applicants traverse the rejection as applied to the amended claims, including claims dependent therefrom, for the reasons given below.

The Office Action alleges, in pertinent part, that the removal of the term “nucleotide sequence encoding,” introduces new matter.

While Applicants do not acquiesce to the reasoning offered in the Action, in order to expedite prosecution toward allowance, claim 1 has been amended to recite a “nucleic acid sequence encoding a fusion protein comprising domains” as configured. As presently claimed, multiples of the GBP component of the configuration are recited, which component may be present from 1 to 7 times in the configuration. Further, this configuration finds support in the specification as filed, and thus, does not represent new matter.

Regarding claim 35, the Office Action states that the claims previously recited “domains separated by a polynucleotide encoding one or more peptide linkers.” Again, while not acquiescing to the reasoning offered in the Office Action, Applicants have amended claim 35 to

recite “wherein the linkers comprise repeating Gly-Ser residues,” which is supported by the specification as filed. Since claim 35 is dependent from claim 32, which recites that the domains are separated by a polynucleotide encoding one or more peptide linkers, the claim does not contain new matter.

For these reasons, Applicants respectfully request that the rejection be withdrawn.

Conclusion

Applicants submit that pending claims 1, 26-29, 32, 33, 35, and 38-47 are in condition for allowance, or are in better condition for appeal. The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this submission.

No fee is deemed necessary with the filing of this paper. However, the Commissioner is hereby authorized to charge any fees required by this submission, or credit any overpayments, to Deposit Account No. 07-1896 referencing the above-identified docket number.

Respectfully submitted,



Date: July 16, 2008

Daryl K. Basham, J.D., Ph.D.
Registration No. 45,869
Telephone: (858) 677-1429
Facsimile: (858) 677-1465

DLA Piper US LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO Customer Number 28213